

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS OCTAVIO RODRIGUEZ-PAYAN,

Defendant.

NO. CR17-233JLR

PLEA AGREEMENT

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Nicholas Manheim and Mike Lang, Assistant United States Attorneys for said District, JESUS OCTAVIO RODRIGUEZ-PAYAN and his attorneys, Arturo Menendez and Craig Suffian, enter into the following Agreement, pursuant to Federal Rule of Criminal Procedure 11:

1. **The Charges.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters pleas of guilty to the following charges contained in the Superseding Indictment:

a. *Conspiracy to Distribute Controlled Substances*, as charged in Count 1, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and 846;

1 b. *Conspiracy to Commit Money Laundering*, as charged in Count 2, in
2 violation of Title 18, United States Code, Section 1956(h);

3 By entering these pleas of guilty, Defendant hereby waives all objections to the
4 form of the charging document. Defendant further understands that before entering his
5 guilty pleas, he will be placed under oath. Any statement given by Defendant under oath
6 may be used by the United States in a prosecution for perjury or false statement.

7 2. **Elements of the Offenses.** The elements of the offenses to which
8 Defendant is pleading guilty are as follows:

9 a. *Conspiracy to Distribute Controlled Substances*, as charged in
10 Count 1, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)
11 and 846, are as follows:

12 *First*, there was an agreement between two or more persons to distribute
13 controlled substances (here, heroin, cocaine, methamphetamine, and fentanyl (N-phenyl-
14 N- [1- (2-phenylethyl) -4-piperidinyl] propanamide));

15 *Second*, Defendant joined in the agreement, knowing of its purpose, and intending
16 to help accomplish it.

17 b. *Conspiracy to Commit Money Laundering*, as charged in Count 2, in
18 violation of Title 18, United States Code, Section 1956(h), are as follows:

19 *First*, there was an agreement between two or more persons to commit the crime
20 of money laundering¹;

21
22
23 ¹ The underlying money laundering offenses are 18 U.S.C. § 1956(a), § 1956(a)(1)(B), and § 1956(a)(2). The
essential elements of § 1956(a)(1)(B) are as follows:

24 First, the defendant conducted or intended to conduct a financial transaction involving property that
represented the proceeds of a specified unlawful activity, namely, drug trafficking;

25 Second, the defendant knew that the property represented the proceeds of a specified unlawful activity; and

26 Third, the defendant knew that the transaction was designed in whole or in part (i) to conceal or disguise
the nature, location, source, ownership, or control of the proceeds of drug trafficking, or (ii) to avoid a transaction
reporting requirement under State or Federal law.

27 The essential elements of 18 U.S.C. § 1956(a)(2) are as follows:

28 First, the defendant transported or intended to transport money from a place in the United States to or
through a place outside the United States; and

1 *Second*, Defendant joined in the agreement, knowing of its purpose, and intending
2 to help accomplish it.

3 3. **The Penalties.** Defendant understands that the statutory penalties
4 applicable to the offenses to which he is pleading guilty are as follows:

5 a. For the offense of *Conspiracy to Distribute Controlled Substances*,
6 as charged in Count 1, in violation of Title 21, United States Code, Sections 841(a)(1),
7 841(b)(1)(A) and 846: A maximum term of imprisonment of up to life years and a
8 mandatory minimum term of imprisonment of ten (10) years, a fine of up to \$10 million,
9 a period of supervision following release from prison of at least five (5) years, and a
10 mandatory special assessment of \$100 dollars.

11 Defendant further understands that in order to invoke the statutory sentence for the
12 drug offenses charged in Count 1, the United States must prove beyond a reasonable
13 doubt that that Defendant's conduct as a member of the narcotics conspiracy charged in
14 Count 1, which includes the reasonably foreseeable conduct of other members of the
15 narcotics conspiracy charged in Count 1, involved one (1) kilogram or more of a mixture
16 or substance containing a detectable amount of heroin, and/or five-hundred (500) grams
17 or more of a mixture or substance containing a detectable amount of methamphetamine,
18 and/or fifty (50) grams or more of actual methamphetamine. Defendant expressly waives
19 the right to require the United States to make this proof at trial and stipulates as a part of
20 this plea of guilty that Defendant's conduct as a member of the narcotics conspiracy
21 charged in Count 1, which includes the reasonably foreseeable conduct of other members
22 of the narcotics conspiracy charged in Count 1, involved one (1) kilogram or more of a
23 mixture or substance containing a detectable amount of heroin, and five-hundred (500)
24
25

26 *Second*, the defendant acted with the intent to (i) conceal or disguise the nature, location, source,
27 ownership, or control of the proceeds of drug trafficking, or (ii) to avoid a transaction reporting requirement under
28 State or Federal law.

1 | grams or more of a mixture or substance containing a detectable amount of
2 | methamphetamine.

3 | b. For the offense of *Conspiracy to Commit Money Laundering*, as
4 | charged in Count 2, in violation of Title 18, United States Code, Section 1956(h): A
5 | maximum term of imprisonment of up to twenty (20) years, a fine of up to \$500,000, or
6 | twice the amount laundered, whichever is greater; a period of supervision following
7 | release from prison of up to three (3) years, and a mandatory special assessment of \$100
8 | dollars.

9 | Defendant agrees that the special assessments shall be paid at or before the time of
10 | sentencing.

11 | Defendant understands that supervised release is a period of time following
12 | imprisonment during which he will be subject to certain restrictive conditions and
13 | requirements. Defendant further understands that if supervised release is imposed and he
14 | violates one or more of the conditions or requirements, Defendant could be returned to
15 | prison for all or part of the term of supervised release that was originally imposed. This
16 | could result in Defendant's serving a total term of imprisonment greater than the statutory
17 | maximum stated above.

18 | Defendant further understands that a consequence of pleading guilty may include
19 | the forfeiture of certain property either as a part of the sentence imposed by the Court, or
20 | as a result of civil judicial or administrative process.

21 | Defendant agrees that any monetary penalty the Court imposes, including the
22 | special assessment, fine, costs, or restitution, is due and payable immediately and further
23 | agrees to submit a completed Financial Statement of Debtor form as requested by the
24 | United States Attorney's Office.

25 | Defendant understands that by pleading guilty to a felony drug offense, Defendant
26 | will become ineligible for certain food stamp and Social Security benefits as directed by
27 | Title 21, United States Code, Section 862a.

1 4. **Immigration Consequences.** Defendant recognizes that pleading guilty
2 may have consequences with respect to his immigration status because he is not a citizen
3 of the United States. Under federal law, a broad range of crimes are grounds for removal,
4 including the offenses to which Defendant is pleading guilty, and some offenses make
5 removal from the United States presumptively mandatory. Removal and other
6 immigration consequences are the subject of a separate proceeding, however, and
7 Defendant understands that no one, including his attorney or the district court, can predict
8 to a certainty the effect of his conviction on his immigration status. Defendant
9 nevertheless affirms that he wants to plead guilty regardless of any immigration
10 consequences that his guilty pleas may entail, even if the consequence is his mandatory
11 removal from the United States.

12 5. **Rights Waived by Pleading Guilty.** Defendant understands that by
13 pleading guilty, he knowingly and voluntarily waives the following rights:

- 14 a. The right to plead not guilty and to persist in a plea of not guilty;
- 15 b. The right to a speedy and public trial before a jury of his peers;
- 16 c. The right to the effective assistance of counsel at trial, including, if
17 Defendant could not afford an attorney, the right to have the Court
18 appoint one for him;
- 19 d. The right to be presumed innocent until guilt has been established
20 beyond a reasonable doubt at trial;
- 21 e. The right to confront and cross-examine witnesses against Defendant
22 at trial;
- 23 f. The right to compel or subpoena witnesses to appear on his behalf at
24 trial;
- 25 g. The right to testify or to remain silent at trial, at which trial such
26 silence could not be used against Defendant; and
- 27 h. The right to appeal a finding of guilt or any pretrial rulings.

1 **6. United States Sentencing Guidelines.** Defendant understands and
2 acknowledges that the Court must consider the sentencing range calculated under the
3 United States Sentencing Guidelines and possible departures under the Sentencing
4 Guidelines together with the other factors set forth in Title 18, United States Code,
5 Section 3553(a), including: (1) the nature and circumstances of the offenses; (2) the
6 history and characteristics of the defendant; (3) the need for the sentence to reflect the
7 seriousness of the offenses, to promote respect for the law, and to provide just
8 punishment for the offenses; (4) the need for the sentence to afford adequate deterrence to
9 criminal conduct; (5) the need for the sentence to protect the public from further crimes
10 of the defendant; (6) the need to provide the defendant with educational and vocational
11 training, medical care, or other correctional treatment in the most effective manner; (7)
12 the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the
13 need to avoid unwarranted sentence disparity among defendants involved in similar
14 conduct who have similar records. Accordingly, Defendant understands and
15 acknowledges that:

16 a. The Court will determine applicable Defendant's Sentencing
17 Guidelines range at the time of sentencing;

18 b. After consideration of the Sentencing Guidelines and the factors in
19 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the
20 maximum term authorized by law;

21 c. The Court is not bound by any recommendation regarding the
22 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
23 range offered by the parties or the United States Probation Department, or by any
24 stipulations or agreements between the parties in this Plea Agreement; and

25 d. Defendant may not withdraw his guilty pleas solely because of the
26 sentence imposed by the Court.

27 **7. Ultimate Sentence.** Defendant acknowledges that no one has promised or
28 guaranteed what sentence the Court will impose.

1 8. **Statement of Facts.** The parties agree on the following facts. Defendant
2 admits he is guilty of the charged offenses:

3 Defendant JESUS OCTAVIO RODRIGUEZ PAYAN admits that he conspired
4 with others known and unknown to distribute heroin, cocaine, methamphetamine, and
5 fentanyl in the Western District of Washington; and that he also conspired with others
6 known and unknown to launder the proceeds of the distribution of controlled substances
7 in this District back to Mexico.

8 Defendant admits that he worked with other members of the conspiracy to receive
9 heroin shipped up from Mexico by other members of the conspiracy. Defendant admits
10 that he would store, and cause other members of the conspiracy to store, said heroin
11 pending its distribution in this District. Defendant would also "cut" said heroin at one or
12 more of these locations in Western Washington prior to distributing it. Without limiting
13 the foregoing, Defendant admits that as part of the conspiracy: (1) that he and other
14 members of the conspiracy received over a kilogram of heroin on or about May 28, 2017,
15 and (2) that he and other members of the conspiracy received over a kilogram of heroin in
16 Mountlake Terrace from a driver in a red Toyota Tundra on July 15, 2017. Agents also
17 seized \$4,559 in U.S. currency from the Defendant's residence, located at 6003 St.
18 Albion Way, Apt. 206, Mountlake Terrace, Washington on September 26, 2017.

19 Defendant admits that the \$4,559 in U.S. currency was the proceeds of drug trafficking.

20 Defendant further admits that as part of the conspiracy, he would also acquire
21 methamphetamine for distribution. On June 19, 2017, a co-conspirator called Defendant
22 and asked him about the "water," which is code for methamphetamine. Defendant told
23 the co-conspirator that he had a pound of methamphetamine, and another pound would
24 come later. Without limiting the foregoing, Defendant admits to possessing with the
25 intent to distribute one pound of methamphetamine on June 19, 2017.

26 Defendant admits that he would further distribute, and cause others to distribute,
27 controlled substances as part of the conspiracy. In November, 2016, Defendant discussed
28 with another individual (hereinafter "CW") that Defendant could supply kilogram

1 amounts of cocaine for \$32,000 and kilogram amounts of heroin for \$34,000. Later in
2 November 2016, CW arranged to obtain an ounce of cocaine from Defendant. Defendant
3 sent co-conspirator Francisco Ruelas Payan to deliver the ounce of cocaine to CW in
4 exchange for \$1,300. During the meeting, CW asked Ruelas Payan about obtaining large
5 amounts of drugs for distribution and Ruelas Payan responded that the CW would have to
6 call the number he had arranged the delivery with (the Defendant) because the Defendant
7 was "the boss." The Defendant further admits that he distributed approximately 200
8 grams of heroin to another individual on June 15, 2017, as part of the conspiracy.

9 Defendant further admits that as part of the conspiracy, he would acquire and
10 distribute pills containing fentanyl. On July 1, 2017, Defendant and his co-conspirator
11 discussed selling 500 pills to a customer, and the next day, the same co-conspirator
12 reported back to Defendant that the customer had concerns about the pills because they
13 looked different from the previous ones purchased from Defendant. Defendant admits
14 that on or around July 1, 2017, Defendant and his co-conspirator possessed and
15 distributed 500 pills, with a net weight of 50 grams, containing fentanyl.

16 Defendant admits that he distributed, possessed with the intent to distribute, and/or
17 conspired to distribute no less than 2.2 kilograms of a mixture or substance containing
18 heroin, no less than 500 grams of a mixture or substance containing a detectable amount
19 of methamphetamine, no less than 50 net grams of a mixture or substance containing
20 fentanyl, and no less than 27 grams of cocaine.

21 Defendant further admits that he also engaged in various types of financial
22 transactions, and caused others in the conspiracy to engage in financial transactions
23 intended to send the proceeds of the conspiracy's sale of controlled substances from the
24 United States to Mexico. Defendant admits that these financial transactions were
25 designed and intended to conceal the nature of the drug proceeds, as well as their source
26 and ownership, and to avoid reporting requirements under state or federal law. These
27 financial transactions included using money service businesses to wire drug proceeds to
28 Mexico, in structured transactions under reporting thresholds. They also included cash

1 deposits of drug proceeds into various Wells Fargo Bank accounts in third party names
2 that were then "funneled" elsewhere as part of the conspiracy, including from
3 Washington to Mexico, and were likewise sometimes structured to avoid bank reporting
4 thresholds.

5 Without limiting the foregoing, in furtherance of the money laundering
6 conspiracy, Defendant admits that he repeatedly caused co-defendant Jorge Ulloa-
7 Sarmiento to deposit the proceeds of the drug trafficking activities of the conspiracy into
8 various Wells Fargo bank accounts nominally belonging to third parties here in Western
9 Washington, knowing and intending that the proceeds would be withdrawn in other states
10 and/or withdrawn and/or wired to Mexico. Defendant further admits that the \$44,880 in
11 U.S. currency found at Ulloa-Sarmiento's residence at 1001 W. Casino Road, # F-105, in
12 Everett, Washington on September 26, 2017, was the proceeds of the sale of controlled
13 substances obtained as part of the conspiracy, and was in the process of being laundered
14 in furtherance of the conspiracy. Defendant further admits that Wells Fargo bank was a
15 federally insured financial institution whose operations impacted interstate and foreign
16 commerce.

17 Defendant further admits that on or about July 10, 2017, he contacted Maria
18 Maldonado and asked her to wire \$50,000 of drug trafficking proceeds to Mexico City
19 through her money transmitting business. Defendant admits that this financial transaction
20 was designed and intended to conceal the nature of the drug proceeds, as well as their
21 source and ownership, and to avoid reporting requirements under state or federal law.
22 Maldonado agreed to make the international transfers for a fee of \$100 for every \$1,000
23 transmitted.

24 The parties agree that the Court may consider additional facts contained in the
25 Presentence Report (subject to standard objections by the parties) and/or that may be
26 presented by the United States or Defendant at the time of sentencing, and that the factual
27 statement contained herein is not intended to limit the facts that the parties may present to
28 the Court at the time of sentencing.

1 **9. Sentencing Factors.** The parties agree that the following United States
2 Sentencing Guideline (USSG) provisions apply to this case:

3 a. A Base Offense Level of 32, pursuant to USSG § 2D1.1(c), based on
4 at least 2.2 kilograms of heroin, five hundred grams of a mixture or substance containing
5 methamphetamine, 50 net grams of a mixture or substance containing fentanyl, and 27
6 grams of cocaine, which were distributed by Defendant and/or other members of the
7 conspiracy, which Defendant admits was foreseeable to him, which totals approximately
8 3,330.4 kilograms of converted drug weight;

9 b. A 2-level increase for money laundering, pursuant to USSG
10 § 2S1.1(b)(2)(B);

11 c. A 2-level increase because the Defendant maintained a premises
12 (one or more stash locations) that were used to manufacture and/or distribute heroin,
13 pursuant to USSG § 2D1.1(b)(12);

14 d. A 3-level decrease if the Court concludes Defendant has accepted
15 responsibility pursuant to Paragraph 10 of this Plea Agreement.

16 The parties agree they are free to present arguments regarding the applicability of
17 all other provisions of the United States Sentencing Guidelines. The Defendant
18 understands that the government may seek a 2-level increase due to Defendant's role in
19 the offense as an organizer and leader of criminal activity, pursuant to USSG § 3B1.1(c).
20 Defendant understands, however, that at the time of sentencing, the Court is free to reject
21 these stipulated adjustments as well as any recommendations of the parties, and is further
22 free to apply additional downward or upward adjustments in determining Defendant's
23 Sentencing Guidelines range.

24 **10. Acceptance of Responsibility.** At sentencing, *if* the district court
25 concludes Defendant qualifies for a downward adjustment acceptance for acceptance of
26 responsibility pursuant to USSG § 3E1.1(a) and the defendant's offense level is 16 or
27 greater, the United States will make the motion necessary to permit the district court to
28 decrease the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b),
because Defendant has assisted the United States by timely notifying the United States of

1 his intention to plead guilty, thereby permitting the United States to avoid preparing for
2 trial and permitting the Court to allocate its resources efficiently.

3 **11. Recommendation Regarding Imprisonment.** Pursuant to Federal Rule of
4 Criminal Procedure 11(c)(1)(B), the parties jointly agree to recommend that the
5 appropriate term of imprisonment to be imposed by the Court at the time of sentencing is
6 a term of imprisonment of eleven (11) years.

7 Defendant understands that this recommendation is not binding on the Court and
8 the Court may reject the recommendation of the parties and may impose any term of
9 imprisonment up to the statutory maximum penalty authorized by law. Defendant further
10 understands that he cannot withdraw his guilty pleas simply because of the sentence
11 imposed by the District Court. Except as otherwise provided in this plea agreement, the
12 parties are free to present arguments regarding any other aspect of sentencing.

13 **12. Forfeiture of Assets.** The Defendant understands that the forfeiture of
14 assets is part of the sentence that must be imposed in this case. The Defendant agrees to
15 forfeit immediately, to the United States, his right, title and interest in any and all
16 property, real or personal, that was used, or intended to be used, in any manner or part, to
17 commit or to facilitate the commission of the conspiracy to distribute controlled
18 substances (as set forth in Count 1), and any property constituting, or derived from, any
19 proceeds he obtained, directly or indirectly, as the result of this offense. This property is
20 subject to forfeiture pursuant to Title 21, United States Code, Section 853 and includes,
21 but is not limited to:

- 22 (1) \$4,559 in U.S. currency that was seized from the Defendant's residence in
23 Mountlake Terrace, Washington on September 26, 2017; and,
24 (2) \$44,880 in U.S. currency that was seized from co-Defendant Jorge Ulloa-
25 Sarmiento's residence in Everett, Washington on September 26, 2017.

26 Defendant also agrees to forfeit immediately, to the United States, his right, title
27 and interest in any and property, real or personal, that represents proceeds of or was
28 involved in the commission of the conspiracy to commit money laundering (as set forth

1 in Count 2). This property is subject to forfeiture pursuant to Title 18, United States
2 Code, Section 982(a)(1) and includes, but is not limited to:

- 3 (1) \$4,559 in U.S. currency that was seized from the Defendant's residence in
4 Mountlake Terrace, Washington on September 26, 2017; and,
5 (2) \$44,880 in U.S. currency that was seized from co-Defendant Jorge Ulloa-
6 Sarmiento's residence in Everett, Washington on September 26, 2017.

7 The Defendant agrees to fully assist the United States in the forfeiture of the listed
8 property and to take whatever steps are necessary to pass clear title to the United States,
9 including but not limited to: surrendering title and executing any documents necessary to
10 effect the forfeiture; assisting in bringing an property located outside the United States
11 within the jurisdiction of the United States; and, taking whatever steps are necessary to
12 ensure that property subject to forfeiture is not sold, disbursed, wasted, hidden, or
13 otherwise made unavailable for forfeiture. The Defendant agrees not to file a claim to any
14 of the listed property in any federal civil forfeiture, administrative, or judicial proceeding
15 that may be initiated.

16 The United States reserves its right to proceed against any remaining property not
17 identified in this Plea Agreement, including any property in which the Defendant has an
18 interest or control, if that property constitutes or is traceable to proceeds of, or facilitated,
19 the conspiracy to distribute controlled substances or constitutes proceeds of, or was
20 involved in, the conspiracy to commit money laundering.

21 **13. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
22 the United States Attorney's Office for the Western District of Washington agrees not to
23 prosecute Defendant for any additional offenses known to it as of the time of this
24 Agreement that are based upon evidence in its possession at this time, and that arise out
25 of the conduct giving rise to this investigation. In this regard, Defendant recognizes the
26 United States has agreed not to prosecute all of the criminal charges the evidence
27 establishes were committed by Defendant solely because of the promises made by
28 Defendant in this Agreement. Defendant agrees, however, that for purposes of preparing

1 the Presentence Report, the United States Attorney's Office will provide the United
2 States Probation Office with evidence of all conduct committed by Defendant.

3 **14. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that if
4 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea
5 Agreement and Defendant may be prosecuted for all offenses for which the United States
6 has evidence. Defendant agrees not to oppose any steps taken by the United States to
7 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
8 Agreement. Defendant also agrees that if Defendant is in breach of this Plea Agreement,
9 Defendant has waived any objection to the institution of any additional charges that have
10 not been prosecuted.

11 Defendant further understands that if, after the date of this Agreement, Defendant
12 should engage in illegal conduct, or conduct that violates any conditions of release or the
13 conditions of his confinement, (examples of which include, but are not limited to,
14 obstruction of justice, failure to appear for a court proceeding, criminal conduct while
15 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
16 Officer, Probation Officer, or Court), the United States is free under this Agreement to
17 file additional charges against Defendant or to seek a sentence that takes such conduct
18 into consideration by requesting the Court to apply additional adjustments or
19 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
20 advisory Guidelines range, and/or by seeking an upward departure or variance from the
21 calculated advisory Guidelines range. Under these circumstances, the United States is
22 free to seek such adjustments, enhancements, departures, and/or variances even if
23 otherwise precluded by the terms of the plea agreement.

24 **15. Waiver of Appellate Rights and Rights to Collateral Attacks.**
25 Defendant acknowledges that by entering the guilty pleas required by this plea
26 agreement, Defendant waives all rights to appeal from his conviction and any pretrial
27 rulings of the court. Defendant further agrees that, provided the court imposes a custodial
28 sentence that is within or below the Sentencing Guidelines range (or the statutory

1 mandatory minimum, if greater than the Guidelines range) as determined by the court at
2 the time of sentencing, Defendant waives to the full extent of the law:

3 a. Any right conferred by Title 18, United States Code, Section 3742,
4 to challenge, on direct appeal, the sentence imposed by the court, including any fine,
5 restitution order, probation or supervised release conditions, or forfeiture order (if
6 applicable); and

7 b. Any right to bring a collateral attack against the conviction and
8 sentence, including any restitution order imposed, except as it may relate to the
9 effectiveness of legal representation; and

10 This waiver does not preclude Defendant from bringing an appropriate motion
11 pursuant to 28 U.S.C. § 2241, to address the conditions of his confinement or the
12 decisions of the Bureau of Prisons regarding the execution of his sentence.

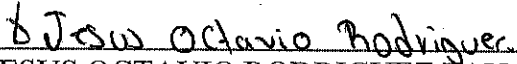
13 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
14 attacking (except as to effectiveness of legal representation) the conviction or sentence in
15 any way, the United States may prosecute Defendant for any counts, including those with
16 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea
17 Agreement.


18 16. **Voluntariness of Plea.** Defendant agrees that he has entered into this Plea
19 Agreement freely and voluntarily and that no threats or promises, other than the promises
20 contained in this Plea Agreement, were made to induce Defendant to enter his pleas of
21 guilty.

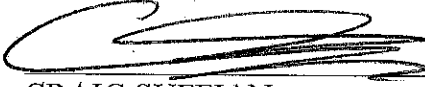
22 17. **Statute of Limitations.** In the event this Agreement is not accepted by the
23 Court for any reason, or Defendant has breached any of the terms of this Plea Agreement,
24 the statute of limitations shall be deemed to have been tolled from the date of the Plea
25 Agreement to: (1) thirty (30) days following the date of non-acceptance of the Plea
26 Agreement by the Court; or (2) thirty (30) days following the date on which a breach of
27 the Plea Agreement by Defendant is discovered by the United States Attorney's Office.
28


1 18. **Completeness of Agreement.** The United States and Defendant
2 acknowledge that these terms constitute the entire Plea Agreement between the parties.
3 This Agreement binds only the United States Attorney's Office for the Western District
4 of Washington. It does not bind any other United States Attorney's Office or any other
5 office or agency of the United States, or any state or local prosecutor.

6 Dated this 17th day of December, 2019.

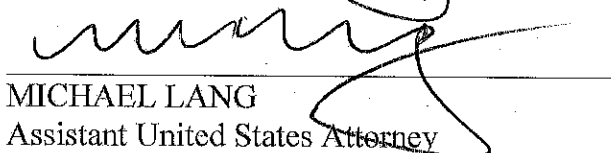
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8 
9 JESUS OCTAVIO RODRIGUEZ PAYAN
10 Defendant

11 
12 ARTURO MENENDEZ
13 Attorney for Defendant

14 
15 CRAIG SUFFIAN
16 Attorney for Defendant

17 
18 KARYN S. JOHNSON
19 Assistant United States Attorney

20 
21 NICHOLAS MANHEIM
22 Assistant United States Attorney

23 
24 MICHAEL LANG
25 Assistant United States Attorney